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CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

DEPARTMENT OF LAW

CHARLES S. LEONE
CITY ATTORNEY

August 18, 2006

ALADEAN M. DeROSE
CHIEF ASSISTANT CITY ATTORNEY

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: F.D. No. 34893, The Chicago, Lake Shore and South Bend Railway Company-Acquisition and Operation Exemption-Norfolk Southern Railway Company

Dear Secretary Williams:

Please accept this letter written on behalf of the City of South Bend. As this Board is well aware, the City of South Bend has submitted prior submissions and requests concerning the above noted certificate number vehemently opposing reinstatement of freight service beginning at the southwest ?? City of South Bend and traversing the City through property owned by the Brothers and Sisters of Holy Cross.

On August 15, 2006, the City of South Bend received notice from Norfolk Southern Railway Company ("NS") indicating that it wishes to immediately dismiss the above-referenced proceeding because, in its words "no agreement has been or will be executed" between NS and Chicago, Lake Shore and South Bend Railway Company ("CLSSB"). Based upon this filing, it is clear further proceedings would be a waste of this Board's time and useless expense of all parties herein.

The City of South Bend had attempted to negotiate with the CLSSB in an intensive and time consuming manner since May of 2006 through today. That intensive labor bore no fruit. The line which the CLSSB has been de facto abandoned, unused for over ten years. By research performed by the City of South Bend, there is no known corporation who wishes that the line be reinstated, nor has any known corporation along the line indicated any desire to use the services such a spur line may offer. I believe it fair to state that the City of South Bend has expended enough time and resources to determine that the goals of the two entities are polar opposite. Differences will not be resolved. Based on this, please let this letter also serve as a response to the letter filed by the CLSSB on August 15, 2006 wherein, the City of South Bend wants it to be clear that its differences with the CLSSB are inconformable.

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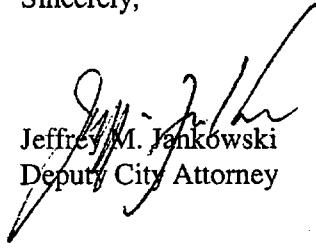
Vernon A. Williams

Page 2

August 18, 2006

Based on all of the above, the City of South Bend eagerly joins Norfolk Southern Railway Company in its prayer for immediate dismissal of F.D. No. 34893. Your expedient consideration of this matter is appreciated.

Sincerely,



Jeffrey M. Jankowski
Deputy City Attorney

JMJ/cw

cc: All parties of record
Mayor Stephen Luecke

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served on the 18th day of August, 2006 by first-class mail, postage prepaid, and fax as designated, on the following named individuals:

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